

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

174T0518

HOUSE BILL NO. 1166

Introduced by: Representatives Russell, Kopp, Olson (Betty), and Verchio and Senators
Maher and Rampelberg

1 FOR AN ACT ENTITLED, An Act to require the departments of Agriculture and Game, Fish
2 and Parks to provide certain actions and funding specified in the South Dakota black-tailed
3 prairie dog conservation and management plan.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 34A-8A be amended by adding thereto a NEW SECTION to read
6 as follows:

7 In accordance with the provisions of the South Dakota black-tailed prairie dog conservation
8 and management plan prepared pursuant to §§ 34A-8A-8 and 34A-8A-9, the Department of
9 Agriculture and the Department of Game, Fish and Parks shall take the following actions:

10 (1) The Department of Agriculture shall provide not less than one hundred fifty thousand
11 dollars annually from program funds to implement control or incentive strategies
12 outlined in strategies 1.4c and 1.4d of the management plan;

13 (2) The Department of Game, Fish and Parks shall provide not less than one hundred
14 thirty thousand dollars annually from the animal damage control fund to implement
15 control or incentive strategies outlined in strategies 1.4c and 1.4d of the management



1 plan.

2 Section 2. That chapter 34A-8A be amended by adding thereto a NEW SECTION to read
3 as follows:

4 If the Department of Agriculture or the Department of Game, Fish and Parks fails to provide
5 the funding required in subdivisions (1) and (2) of section 1 of this Act by October fifteenth of
6 any calendar year, the affected department shall provide such funding or depredation action to
7 property owners who are affected by the encroachment of prairie dogs on their property and
8 have applied for such funding or depredation action. An affected landowner who has applied
9 for, but not received, such funding or depredation action within one year after the October
10 fifteenth deadline may initiate a civil action in circuit court to compel payment or depredation
11 action by the appropriate department, if funds specified in subdivisions (1) and (2) of section
12 1 of this Act for the time period in question remain unexpended. The state hereby waives the
13 common law doctrine of sovereign immunity and consents to be sued in a civil action to compel
14 payment or depredation action by the appropriate department, and reimbursement for all
15 reasonable and necessary costs and attorney fees incurred by the landowner.